

agents, employees, successors, and all persons acting or claiming to act in its behalf and interest be, and they hereby are, permanently enjoined and restrained from violating the provisions of sections 6, 7, 11(c), 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended, (29 U.S.C. Section 201 et seq.), (the Act), in any of the following manners:

(A) Defendant shall not, contrary to Section 6 of the Act, pay to any of its employees in any workweek who are employed in an enterprise engaged in commerce, within the meaning of the Act, wages at rates less than those which are now, or which in the future may become, applicable under Section 6 of the Act.

(B) Defendant shall not, contrary to Section 7 of the Act, employ any of its employees in any workweek who are employed in an enterprise engaged in commerce, within the meaning of the Act, for workweeks longer than the hours now, or which in the future become, applicable under Sections 7 and 15(a)(2) of the Act, unless the employees receive compensation for their employment in excess of the prescribed hours at rates not less than one and one-half times the employees' regular rates.

(C) Defendant shall not fail to make, keep, and preserve adequate records of its employees and of the wages, hours, and other conditions and practices of employment maintained by it as prescribed by the Regulations issued pursuant to Section 11(c) of the Act and found at 29 CFR Part 516.

Further, the Court finding, as agreed by Defendant that unpaid minimum wage and overtime compensation are to be paid certain employees in the amount of \$68,900.30 plus \$2,110.10 in interest according to Exhibit A attached, it is:

II. ORDERED, ADJUDGED, AND DECREED that the defendant Reconstruction Home and Healthcare Center, Inc. be restrained from withholding the payment of the \$71,010.40 in minimum wage and overtime compensation and interest to the employees listed in Exhibit A, and be directed to make payment of the said compensation as specified below.

Defendants shall pay \$68,900.30 plus \$2,110.10 in interest to the employees listed on the attached Exhibit A on or before October 22, 2010. Payment of the aforesaid sum shall be made in 104 weekly installments in accordance with the schedule shown in Exhibit A attached hereto. The distribution of the checks representing 1) the net amount of unpaid minimum wage and overtime compensation less legal deductions taken from the gross amounts due shall be performed by Defendant, under the supervision of and direction of the U.S. Department of Labor. Proof of payment in the form of copies of canceled checks shall be delivered to Assistant District Director Catherine Quinn-Kay, U.S. Department of Labor, Wage and Hour Division, U.S.

Courthouse & Federal Bldg., 100 South Clinton Street, Room 1247, Syracuse, New York 13202.

All proofs of payment shall be delivered to Plaintiff c/o Assistant District Director Catherine Quinn-Kay at the address listed above on or before November 5, 2010. On or before November 19, 2010, the total of any net funds that have not been delivered to a current or former employee because of a current or former employee's refusal to accept the back wages or for any other reason, shall be made payable by cashier's or certified check to "Wage and Hour-Labor" and delivered to Assistant District Director Catherine Quinn-Kay, U.S. Department of Labor, Wage and Hour Division, U.S. Courthouse & Federal Bldg., 100 South Clinton Street, Room 1247, Syracuse, New York 13202 together with a listing of employees and the respective net wage amounts found due. The listing shall specify the employees' name, social security number and net amount of wages. Plaintiff shall attempt to distribute such sums.

Any sums not distributed to the named employees, or to their personal representatives because of inability to locate the proper persons or because of such persons' refusal to accept such sums, shall be deposited by Plaintiff with the Clerk of this Court who shall deposit such money with the Treasurer of the United States pursuant to 28 U.S.C. §§2041 and 2042.

Neither defendant nor any one on its behalf shall directly or indirectly solicit or accept the return or refusal of any sums paid under this Judgment.

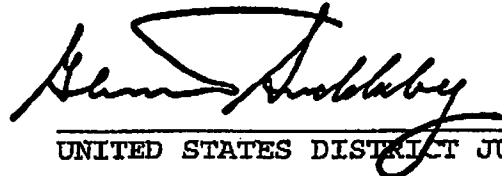
Defendant shall make available to plaintiff the social security number and last known address of each employee or former employee listed in Exhibit A of this judgment.

III. ORDERED that if the defendants fail to make an installment payment on Exhibit A without making up the arrearage within two weeks after notice to defendant, the entire balance shall become due and payable immediately; and it is further

IV. ORDERED, ADJUDGED AND DECREED that neither the commencement of this action nor the provisions of this consent judgment shall in any way affect, determine, or prejudice any and all legal rights of any employees of defendant not listed in Exhibit A, be they current or former employees, to file any action against Defendant under section 16(b) of the Act or likewise for any current or former employee to file any action against Defendant under section 16(b) of the Act for any violations alleged to have occurred after April 26, 2008.

V. It is FURTHER ORDERED, ADJUDGED, AND DECREED that each party shall bear its own fees and other expenses incurred by such party in connection with this proceeding.

DATED: 11/25/08


UNITED STATES DISTRICT JUDGE

Defendant appeared by counsel, has waived any further answer and any defense to the Complaint, and hereby consents to the entry of this Judgment.

BY:



President

Tony Votaw

(Print name)

Reconstruction Home and Healthcare Center, Inc.

Lerene Gallin + Partners, LLP
by Paul Dittorzi 10/29/08

Attorneys for Defendant

EXHIBIT A

U.S. DEPARTMENT OF LABOR

Installment Amortization Schedule
Installment Agreement Date: 09/26/2008

Case No: 1476083

Employer: Beechtree Care Center

Beginning Payment Date:	10/31/2008	Ending Payment Date:	10/22/2010
Total BW Amount:	\$68,900.30	Current Interest Rate:	3.0 %
Initial Payment:	\$0.00	Number Of Payments:	104
		Pay Period:	Weekly

	EE Name / 3rd Party	Principal	Interest	Total Payment
Date Due	10/31/2008			
	Debra Glover	\$662.50	\$1.42	\$663.92
Date Due	11/07/2008			
	Debra Glover	\$662.50	\$1.03	\$663.53
Date Due	11/14/2008			
	Debra Glover	\$662.50	\$0.64	\$663.14
Date Due	11/21/2008			
	Debra Glover	\$438.56	\$0.26	\$438.82
	Constance Anderson	\$46.97	\$0.11	\$47.08
	Anne Bell	\$54.27	\$0.13	\$54.40
	Charlotte Hall	\$122.70	\$1.30	\$124.00
Date Due	11/28/2008			
	Charlotte Hall	\$435.15	\$0.25	\$435.40
	Elizabeth Irizarry	\$123.69	\$0.36	\$124.05
	Diana MacKenzie	\$103.66	\$2.60	\$106.26
Date Due	12/05/2008			
	Diana MacKenzie	\$662.50	\$0.46	\$662.96
Date Due	12/12/2008			
	Diana MacKenzie	\$126.34	\$0.07	\$126.41
	Beatrice Ngoze	\$34.86	\$0.14	\$35.00

	EE Name / 3rd Party	Principal	Interest	Total Payment
	Nora Plasencia Vela	\$55.13	\$0.23	\$55.36
	Georgia Poludniak	\$211.29	\$0.86	\$212.15
	Deborah Putman	\$30.21	\$0.12	\$30.33
	Jestina Quigee	\$20.54	\$0.08	\$20.62
	Christy Shaw	\$23.88	\$0.10	\$23.98
	Mary Andrews	\$160.25	\$1.15	\$161.40
Date Due	12/19/2008			
	Mary Andrews	\$122.16	\$0.07	\$122.23
	Michelle Arroyo	\$47.69	\$0.22	\$47.91
	Julianne Bacon	\$38.25	\$0.18	\$38.43
	Jacalyn Avery	\$446.79	\$2.08	\$448.87
	Daniel Banks	\$7.61	\$17.29	\$24.90
Date Due	12/26/2008			
	Daniel Banks	\$662.50	\$2.16	\$664.66
Date Due	01/02/2009			
	Daniel Banks	\$662.50	\$1.77	\$664.27
Date Due	01/09/2009			
	Daniel Banks	\$662.50	\$1.38	\$663.88
Date Due	01/16/2009			
	Daniel Banks	\$662.50	\$1.00	\$663.50
Date Due	01/23/2009			
	Daniel Banks	\$662.50	\$0.61	\$663.11
Date Due	01/30/2009			
	Daniel Banks	\$384.74	\$0.22	\$384.96
	Sherry Carrican	\$277.76	\$14.43	\$292.19
Date Due	02/06/2009			
	Sherry Carrican	\$662.50	\$0.87	\$663.37
Date Due	02/13/2009			

	EE Name / 3rd Party	Principal	Interest	Total Payment
	Sherry Carrigan	\$662.50	\$0.48	\$662.98
Date Due	02/20/2009			
	Sherry Carrigan	\$164.48	\$0.10	\$164.56
	Gloria Crandall	\$228.13	\$2.26	\$230.39
	Amy French	\$269.91	\$20.80	\$290.71
Date Due	02/27/2009			
	Amy French	\$662.50	\$1.07	\$663.57
Date Due	03/06/2009			
	Amy French	\$662.50	\$0.68	\$663.18
Date Due	03/13/2009			
	Amy French	\$502.87	\$0.29	\$503.16
	Patricia Grimes	\$159.63	\$30.75	\$190.38
Date Due	03/20/2009			
	Patricia Grimes	\$662.50	\$1.44	\$663.94
Date Due	03/27/2009			
	Patricia Grimes	\$662.50	\$1.06	\$663.56
Date Due	04/03/2009			
	Patricia Grimes	\$662.50	\$0.67	\$663.17
Date Due	04/10/2009			
	Patricia Grimes	\$488.70	\$0.29	\$488.99
	Rachel Haynes	\$173.80	\$22.15	\$195.95
Date Due	04/17/2009			
	Rachel Haynes	\$662.50	\$0.82	\$663.32
Date Due	04/24/2009			
	Rachel Haynes	\$662.50	\$0.44	\$662.94
Date Due	05/01/2009			
	Rachel Haynes	\$83.22	\$0.05	\$83.27

	EE Name / 3rd Party	Principal	Interest	Total Payment
	Blair MacLeod	\$579.28	\$45.74	\$625.02
Date Due	05/08/2009			
	Blair MacLeod	\$662.50	\$1.36	\$663.86
Date Due	05/15/2009			
	Blair MacLeod	\$662.50	\$0.97	\$663.47
Date Due	05/22/2009			
	Blair MacLeod	\$662.50	\$0.58	\$663.08
Date Due	05/29/2009			
	Blair MacLeod	\$337.53	\$0.20	\$337.73
	Sarah Morey	\$324.97	\$34.57	\$359.54
Date Due	06/05/2009			
	Sarah Morey	\$662.50	\$0.93	\$663.43
Date Due	06/12/2009			
	Sarah Morey	\$662.50	\$0.54	\$663.04
Date Due	06/19/2009			
	Sarah Morey	\$261.73	\$0.15	\$261.88
	Kathy Bennett	\$27.78	\$0.55	\$28.33
	Mary Lu Dellert	\$372.99	\$36.37	\$409.36
Date Due	06/26/2009			
	Mary Lu Dellert	\$662.50	\$0.85	\$663.35
Date Due	07/03/2009			
	Mary Lu Dellert	\$662.50	\$0.47	\$662.97
Date Due	07/10/2009			
	Mary Lu Dellert	\$136.02	\$0.08	\$136.10
	Deborah Eastman	\$526.48	\$76.01	\$602.49
Date Due	07/17/2009			
	Deborah Eastman	\$662.50	\$1.75	\$664.25

	EE Name / 3rd Party	Principal	Interest	Total Payment
Date Due	07/24/2009			
	Deborah Eastman	\$662.50	\$1.36	\$663.86
Date Due	07/31/2009			
	Deborah Eastman	\$662.50	\$0.97	\$663.47
Date Due	08/07/2009			
	Deborah Eastman	\$662.50	\$0.59	\$663.09
Date Due	08/14/2009			
	Deborah Eastman	\$345.03	\$0.20	\$345.23
	Georgianne Farman	\$142.50	\$3.49	\$145.99
	Dorothy Graham	\$137.54	\$3.37	\$140.91
	Mary Hatch	\$37.43	\$71.80	\$109.23
Date Due	08/21/2009			
	Mary Hatch	\$662.50	\$1.69	\$664.19
Date Due	08/28/2009			
	Mary Hatch	\$662.50	\$1.30	\$663.80
Date Due	09/04/2009			
	Mary Hatch	\$662.50	\$0.91	\$663.41
Date Due	09/11/2009			
	Mary Hatch	\$662.50	\$0.53	\$663.03
Date Due	09/18/2009			
	Mary Hatch	\$243.07	\$0.14	\$243.21
	Sharon Mayers	\$419.43	\$77.93	\$497.36
Date Due	09/25/2009			
	Sharon Mayers	\$662.50	\$1.41	\$663.91
Date Due	10/02/2009			
	Sharon Mayers	\$662.50	\$1.03	\$663.53
Date Due	10/09/2009			

	EE Name / 3rd Party	Principal	Interest	Total Payment
	Sharon Mayers	\$662.50	\$0.64	\$663.14
Date Due	10/16/2009			
	Sharon Mayers	\$435.50	\$0.25	\$435.75
	Rita McEver	\$227.00	\$14.34	\$241.34
Date Due	10/23/2009			
	Rita McEver	\$255.01	\$0.15	\$255.16
	Sandra States	\$407.49	\$41.57	\$449.06
Date Due	10/30/2009			
	Sandra States	\$662.50	\$0.56	\$663.06
Date Due	11/06/2009			
	Sandra States	\$300.48	\$0.18	\$300.66
	Kathy Peabody	\$45.90	\$1.45	\$47.35
	Patricia Morse	\$316.12	\$16.18	\$332.30
Date Due	11/13/2009			
	Patricia Morse	\$197.62	\$0.12	\$197.74
	Susan Compton	\$223.85	\$7.18	\$231.03
	Rebecca Wager	\$241.03	\$63.82	\$304.85
Date Due	11/20/2009			
	Rebecca Wager	\$662.50	\$1.02	\$663.52
Date Due	11/27/2009			
	Rebecca Wager	\$662.50	\$0.63	\$663.13
Date Due	12/04/2009			
	Rebecca Wager	\$423.12	\$0.25	\$423.37
	Rebecca Bargher	\$139.38	\$4.72	\$144.10
	Diana Baldwin	\$29.34	\$0.99	\$30.33
	Dina Gaffney	\$70.66	\$3.89	\$74.55
Date Due	12/11/2009			
	Dina Gaffney	\$44.43	\$0.03	\$44.46

	EE Name / 3rd Party	Principal	Interest	Total Payment
	Darlene O'Neill	\$452.31	\$15.56	\$467.87
	Kimberly Bean	\$165.76	\$6.20	\$171.96
Date Due	12/18/2009			
	Kimberly Bean	\$14.48	\$0.01	\$14.49
	Kellie Mott	\$386.65	\$13.53	\$400.18
	Theresa Neal	\$261.37	\$12.76	\$274.13
Date Due	12/25/2009			
	Theresa Neal	\$103.32	\$0.06	\$103.38
	Lashana Sutton	\$292.52	\$10.41	\$302.93
	Lanetta Stuckey	\$266.66	\$16.95	\$283.61
Date Due	01/01/2010			
	Lanetta Stuckey	\$209.62	\$0.12	\$209.74
	Sharon Martin	\$119.76	\$4.33	\$124.09
	Jamie Fisher	\$245.14	\$8.87	\$254.01
	Catherine Bradford	\$87.98	\$89.86	\$177.84
Date Due	01/08/2010			
	Catherine Bradford	\$662.50	\$1.40	\$663.90
Date Due	01/15/2010			
	Catherine Bradford	\$662.50	\$1.01	\$663.51
Date Due	01/22/2010			
	Catherine Bradford	\$662.50	\$0.63	\$663.13
Date Due	01/29/2010			
	Catherine Bradford	\$409.28	\$0.24	\$409.52
	Jodi Humulock	\$253.22	\$27.13	\$280.35
Date Due	02/05/2010			
	Jodi Humulock	\$451.58	\$0.26	\$451.84
	Ida Haynes	\$210.92	\$97.38	\$308.30
Date Due	02/12/2010			

	EE Name / 3rd Party	Principal	Interest	Total Payment
	Ida Haynes	\$662.50	\$1.33	\$663.83
Date Due	02/19/2010			
	Ida Haynes	\$662.50	\$0.94	\$663.44
Date Due	02/26/2010			
	Ida Haynes	\$662.50	\$0.56	\$663.06
Date Due	03/05/2010			
	Ida Haynes	\$293.10	\$0.17	\$293.27
	Tina Little	\$369.40	\$46.10	\$415.50
Date Due	03/12/2010			
	Tina Little	\$662.50	\$0.43	\$662.93
Date Due	03/19/2010			
	Tina Little	\$81.12	\$0.05	\$81.17
	Nancy Mott	\$310.50	\$13.22	\$323.72
	Jeannie Smith	\$270.88	\$34.85	\$305.73
Date Due	03/26/2010			
	Jeannie Smith	\$547.52	\$0.32	\$547.84
	Sarah Roberson	\$114.98	\$7.67	\$122.65
Date Due	04/02/2010			
	Sarah Roberson	\$62.63	\$0.04	\$62.67
	Kara Eaton	\$119.84	\$5.24	\$125.08
	Lisa Tedora	\$24.89	\$1.09	\$25.98
	Marilyn Moravec	\$455.14	\$129.98	\$585.12
Date Due	04/09/2010			
	Marilyn Moravec	\$662.50	\$1.47	\$663.97
Date Due	04/16/2010			
	Marilyn Moravec	\$662.50	\$1.08	\$663.58
Date Due	04/23/2010			
	Marilyn Moravec	\$662.50	\$0.69	\$663.19

	EE Name / 3rd Party	Principal	Interest	Total Payment
Date Due	04/30/2010			
	Marilyn Moravec	\$528.44	\$0.31	\$528.75
	Karla Gardiner	\$134.06	\$12.96	\$147.02
Date Due	05/07/2010			
	Karla Gardiner	\$147.06	\$0.09	\$147.15
	JoAnn Collacchi	\$515.44	\$38.10	\$553.54
Date Due	05/14/2010			
	JoAnn Collacchi	\$301.03	\$0.18	\$301.21
	Mary Reid	\$230.67	\$10.90	\$241.57
	Bobbi Eaton	\$130.80	\$109.76	\$240.56
Date Due	05/21/2010			
	Bobbi Eaton	\$662.50	\$1.28	\$663.78
Date Due	05/28/2010			
	Bobbi Eaton	\$662.50	\$0.89	\$663.39
Date Due	06/04/2010			
	Bobbi Eaton	\$662.50	\$0.51	\$663.01
Date Due	06/11/2010			
	Bobbi Eaton	\$204.51	\$0.12	\$204.63
	Victoria Peterson	\$457.99	\$100.09	\$558.08
Date Due	06/18/2010			
	Victoria Peterson	\$662.50	\$0.91	\$663.41
Date Due	06/25/2010			
	Victoria Peterson	\$662.50	\$0.52	\$663.02
Date Due	07/02/2010			
	Victoria Peterson	\$235.59	\$0.14	\$235.73
	Eva Smith	\$426.91	\$77.62	\$504.53
Date Due	07/09/2010			

	EE Name / 3rd Party	Principal	Interest	Total Payment
	Eva Smith	\$662.50	\$0.63	\$663.13
Date Due	07/16/2010			
	Eva Smith	\$422.74	\$0.25	\$422.99
	Matthew Mallacoccio	\$239.76	\$16.81	\$256.57
Date Due	07/23/2010			
	Matthew Mallacoccio	\$80.43	\$0.05	\$80.48
	Megan Hall	\$72.64	\$3.86	\$76.50
	Tracy Lutz	\$44.19	\$2.35	\$46.54
	Yvonne Praschma	\$465.24	\$121.21	\$586.45
Date Due	07/30/2010			
	Yvonne Praschma	\$662.50	\$1.06	\$663.56
Date Due	08/06/2010			
	Yvonne Praschma	\$662.50	\$0.67	\$663.17
Date Due	08/13/2010			
	Yvonne Praschma	\$493.20	\$0.29	\$493.49
	Antoinette Andrus	\$27.66	\$1.51	\$29.17
	Arthur Updike	\$112.73	\$6.19	\$118.92
	Joann Zehr	\$28.91	\$35.92	\$64.83
Date Due	08/20/2010			
	Joann Zehr	\$626.19	\$0.37	\$626.56
	Kelli Reid	\$36.31	\$6.35	\$42.66
Date Due	08/27/2010			
	Kelli Reid	\$78.21	\$0.05	\$78.26
	Sally DeNise	\$52.26	\$2.93	\$55.19
	Samantha Russo	\$171.05	\$9.58	\$180.63
	Arin Forshee	\$338.51	\$18.96	\$357.47
	James Jackson	\$22.47	\$1.44	\$23.91
Date Due	09/03/2010			

	EE Name / 3rd Party	Principal	Interest	Total Payment
	James Jackson	\$3.31	\$0.00	\$3.31
	Mae Sheffield	\$150.46	\$8.52	\$158.98
	Kathie Kline	\$328.09	\$18.57	\$346.66
	Julie Ayers	\$180.64	\$31.58	\$212.22
Date Due	09/10/2010			
	Julie Ayers	\$377.61	\$0.22	\$377.83
	Zsofia Franck	\$66.99	\$3.83	\$70.82
	Linda Pangburn	\$217.90	\$73.79	\$291.69
Date Due	09/17/2010			
	Linda Pangburn	\$662.50	\$0.63	\$663.13
Date Due	09/24/2010			
	Linda Pangburn	\$410.54	\$0.24	\$410.78
	Karen Pomeroy	\$55.70	\$3.25	\$58.95
	Tina Smith	\$196.26	\$18.09	\$214.35
Date Due	10/01/2010			
	Tina Smith	\$113.85	\$0.07	\$113.92
	Diana Vaughn-Russell	\$297.06	\$17.50	\$314.56
	Michelle Conway	\$226.19	\$13.32	\$239.51
	Gladys Sirvent	\$25.40	\$24.28	\$49.68
Date Due	10/08/2010			
	Gladys Sirvent	\$386.71	\$0.23	\$386.94
	Regina Fulcher	\$48.29	\$2.88	\$51.17
	Deborah Smolenyak	\$227.50	\$54.00	\$281.50
Date Due	10/15/2010			
	Deborah Smolenyak	\$662.50	\$0.40	\$662.90
Date Due	10/22/2010			
	Deborah Smolenyak	\$17.50	\$0.01	\$17.51
	Lisa Evertz	\$26.60	\$1.61	\$28.21
	Laura Bolt	\$149.37	\$9.06	\$158.43

EE Name / 3rd Party	Principal	Interest	Total Payment
Cindy Poorman	\$143.50	\$8.70	\$152.20
Donna Sears	\$176.38	\$10.70	\$187.08
Margaret Sullivan	\$108.64	\$6.59	\$115.23
Su'Tia Anderson	\$40.81	\$2.48	\$43.29
	<u>\$68,900.30</u>	<u>\$2,110.10</u>	<u>\$71,010.40</u>

RESOLVED, that the corporation, Reconstruction Home and Healthcare Center, Inc., hereby ratifies and confirms the offer made to ELAINE L. CHAO, Secretary of Labor, with respect to the violations of the Fair Labor Standards Act of 1938, as amended, and that the said corporation consents to the entry of a judgment against it, said judgment to be entered in an action which has been filed by ELAINE L. CHAO, Secretary of Labor, against the corporation ~~and the officers of the corporation be,~~ ^{it is D6} and they hereby ~~are~~ authorized to do and perform all acts and things necessary to effectuate the provisions of said judgment and any or all stipulations, amendments and changes therein.

The undersigned, DONNA L. GEORGE, secretary of Reconstruction Home and Healthcare Center, Inc. hereby certifies that the foregoing is a true copy of a resolution adopted by the Board of Directors at a meeting of said Board on October 28, 2008. The undersigned further certifies that Tony Votaw whose signature appears below is President of said corporation and that he has duly been authorized by said resolution to execute the aforementioned consent to the entry of said judgment on behalf of the corporation.

Donna L. George
SECRETARY

CORP.
SEAL

Tony Votaw
PRESIDENT

ROBIN CARLISLE PECK
Notary, Public, State of New York
No. 01CA4834063
Qualified in Seneca County
Commission expires Oct. 31, 20 07